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12 BARAJONA, TANIA MORATAYA,
13 and ELVA OCAMPO

14 UNITED STATES DISTRICT COURT

15 16 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

17 18) Case No.:
19) DINORA BARAJONA, an individual; TANIA MORATAYA, an individual; and ELVA OCAMPO, an individual;
20) Plaintiffs, vs.) COMPLAINT FOR INJUNCTIVE, DECLARATORY AND MONETARY RELIEF; DEMAND FOR JURY TRIAL
21) C & R CANOGA PARK, L.P., a California Limited Partnership; and ANA LOPEZ, an individual; Defendants.)
22)

23 I. INTRODUCTION

24 1. Plaintiffs Dinora Barajona, Tania Morataya, and Blanca Ocampo bring
25 this action against Defendants C & R Canoga Park, L.P. and Ana Lopez for
26 injunctive, declaratory, and monetary relief for discriminating against families with
27 children in violation of the Fair Housing Act, 42 U.S.C. 42 U.S.C. §§ 3601-3619; the
28 Fair Employment and Housing Act, Cal. Gov't Code §§ 12927-12957; and the

¹ California Unruh Civil Rights Act, Cal. Civ. Code §§ 51-52. Plaintiffs also allege a
² claim for negligence.

3 2. Since at least 2010, Defendants have engaged in an ongoing practice of
4 intimidating and/or harassing children to prevent them from being outside at the
5 apartment complex. Defendants discriminatory practices include:

- prohibiting children from playing, sitting or standing in the outside common areas of the apartment building;

- posting signs prohibiting children 12 and under from using the common areas unless supervised by an adult;

- confiscating toy balls, scooters and other toys;

11 • instructing parents to keep their children inside;

12 • yelling at children for being outside;

13 • threatening evictions against families who failed to comply with the policy

14 prohibiting children from being outside in the common areas; and,

15 • threatening to call the police against children who were in the outside
16 common areas.

17 3. As a result of Defendants' discriminatory practices, children have been
18 afraid to be outside and Plaintiffs have kept their children inside their apartments as
19 often as possible. Plaintiffs therefore have been unable to fully use and enjoy their
20 homes because of their familial status.

II. JURISDICTION AND VENUE

22 4. This court has jurisdiction over the subject matter of this action under 28
23 U.S.C. § 1331 because the claims alleged herein constitute discriminatory practices
24 under the Fair Housing Act, 42 U.S.C. § 3601 et seq. The court has jurisdiction over
25 Plaintiffs' state law claim under 28 U.S.C. § 1337 because Plaintiffs' federal and
26 state law claims are related, arise out of a common nucleus of related facts and form
27 the same case and controversy as the federal law claims.

28 5. This court has authority to grant declaratory and injunctive relief under

1 the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the Fair Housing Act,
2 42 U.S.C. § 3613(c).

3 6. Venue is proper in this district under 28 U.S.C. § 1391(b) (1) & (2)
4 because Defendants reside in this district and all events giving rise to this complaint
5 occurred in this district.

III. PARTIES

7 7. Plaintiff Dinora Barajona has been a resident of the apartment complex
8 located at 20421 Saticoy Street in Winnetka, California since approximately 2008.
9 She lives in a one-bedroom apartment with her husband and her 12 and eight year-old
10 sons.

11 8. Plaintiff Elva Ocampo has been a resident of the apartment complex
12 located at 20421 Saticoy Street in Winnetka, California since approximately 2001.
13 She lives in a two-bedroom apartment with her husband, her 17 year-old son and her
14 14 year-old daughter.

15 9. Plaintiff Tania Morataya has been a resident of the apartment complex
16 located at 20421 Saticoy Street in Winnetka, California since approximately 2013.
17 She lives in a three-bedroom apartment with her husband, her two adult daughters,
18 and her nine-year-old son.

19 10. Defendant C & R Canoga Park, L.P. owns and operates the apartment
20 complex located 20421 Saticoy Street (“20421 Saticoy Street”) in Winnetka,
21 California, a multifamily residential property containing 34 units. The apartments at
22 20421 Saticoy Street and associated public and common areas are “dwellings” within
23 the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b). At all times relevant,
24 C & R Canoga Park, L.P. has been responsible for the overall management and
25 operation of 20421 Saticoy Street, including the hiring and supervising of employees
26 who work at 20421 Saticoy Street.

27 11. Defendant Ana Lopez has been the onsite property manager at 20421
28 Saticoy Street since approximately 2015. As the onsite manager, she is responsible

1 for the day-to-day management of 20421 Saticoy Street, including the enforcement of
2 rules against families with children at the property.

3 **IV. FACTS**

4 12. Plaintiffs Dinora Barajona, Tania Morataya and Blanca Ocampo reside
5 at 20421 Saticoy Street, a 34-unit apartment complex located in Winnetka, California
6 with their families, including their minor children. The apartment units at 20421
7 Saticoy Street are arranged around a central courtyard.

8 13. Since 2010, Defendants have adopted and enforced a policy restricting
9 children from playing in the outside common areas.

10 14. From 2010 to 2015 the onsite managers at 20421 Saticoy Street prohibited
11 children from playing in the common areas and instructed parents to keep their children
12 inside.

13 15. Since 2010, the onsite managers regularly confiscated toys, such as plastic
14 balls and scooters, from children without warning.

15 16. In 2015, Defendant Ana Lopez became the onsite manager. A few weeks
16 after Ms. Lopez became the onsite manager, Defendants posted signs in the common
17 areas stating:

18 Any Child 12 Years or Under **MUST BE** Accompanied And Supervised
19 By A Person 18 Years or Older.

20 The signs remain posted in the common areas at 20421 Saticoy Street.

21 17. After Ms. Lopez became the onsite manager, Defendants began enforcing
22 a policy prohibiting children from playing, standing, or even sitting in the common
23 areas at anytime.

24 18. Since 2015, Ms. Lopez has yelled at young children for being in the
25 outside common area of the apartment complex. Ms. Lopez has also taken
26 photographs or videos of children when they are in the outside common areas.

27 19. Since the summer of 2017, Ms. Lopez has threatened to evict tenants
28 who fail to comply with rules against children in the common areas.

1 20. Since the summer of 2017, Ms. Lopez has threatened to call the police
2 on children because they are in the common areas.

3 21. When Ms. Barajona, Ms. Morataya, or Ms. Ocampo have attempted to
4 speak to Ms. Lopez regarding the overly restrictive rules, Ms. Lopez has responded
5 that the apartment complex is not a park, that children playing in the common areas is
6 a violation of the lease or that her supervisor Monica Cano and the owners have
7 instructed her to enforce the rules prohibiting children from being in the common areas.

8 22. In response to Defendants' policies prohibiting children from being in
9 the outside common areas, Ms. Barajona, Ms. Morataya and Ms. Ocampo keep their
10 children inside as often as possible. However, it is often difficult for children to
11 remain inside because conditions inside their apartments are often poor, unsafe and
12 uninhabitable. For example, temperatures in Winnetka during summer months
13 regularly exceeding 100 degrees but Defendants refuse to replace or make adequate
14 repairs to the air conditioners. In February 2017, a section of the roof collapsed into
15 Ms. Ocampo's unit and her family was exposed to the elements for several days. Ms.
16 Morataya has large rats inside her apartment and Defendants have failed to take
17 measure to control the rat infestation.

18 Defendants Enforced Their Policy Prohibiting Children from Being in the
19 Common Areas Against Plaintiff Dinora Barajona and Her Sons

20 23. Defendants have enforced the policy restricting use of the common areas
21 by children against Ms. Barajona and her sons.

22 24. For example, in the summer of 2017, Ms. Barajona's children were
23 playing in the common areas. Ms. Lopez came to Ms. Barajona's apartment and
24 pointed to one of the signs in the common area stating that children must be
25 supervised by an adult and told Ms. Barajona to keep her children inside. Ms.
26 Barajona explained to Ms. Lopez that she was supervising her children. Ms. Lopez
27 nevertheless told Ms. Barajona that children were not allowed to play outside and
28 suggested that Ms. Barajona take her children to the park instead. In an effort to avoid

1 any problems, Ms. Barajona complied and brought her children inside.

2 25. In August 2018, Ms. Barajona's sons were playing in the common areas.
3 Ms. Lopez approached them and told them that the common areas are not a park and
4 that they are not supposed to play there. Ms. Barajona's 12-year-old son told Ms.
5 Lopez that it was unlawful to tell them to go inside. Ms. Lopez went to Ms.
6 Barajona's apartment and asked Ms. Barajona to "show me where it says that it is
7 unlawful to restrict children from playing in the common areas" or words to that
8 effect.

9 26. In approximately August 2017, Ms. Barjona's sons were outside in the
10 common areas holding plastic toy guns, Ms. Lopez yelled at them, telling them that
11 she was going to call the police.

12 27. On approximately May 10, 2018, a neighbor was having a party and some
13 adults had gathered in the common areas. Because there was a lot of noise, Ms.
14 Barajona's children thought it was okay for them to be in the common areas. Ms.
15 Lopez nevertheless came outside and and told Ms. Barajona's children to go back
16 inside or she would call the police. Ms. Lopez did not say anything to the adults who
17 had gathered in the common areas.

18 Defendants Enforced Their Policy Prohibiting Children from Being in the Common
19 Areas Against Plaintiff Tania Morataya and Her Children

20 28. Defendants have enforced the policy restricting use of the common areas
21 by children against Ms. Morataya and her children.

22 29. For example, Ms. Morataya's son and Ms. Barajona's eight-year-old son
23 decided to go together to a tenant's apartment to ask for Halloween candy. Ms.
24 Morataya's adult daughter supervised the children from the second floor. While the
25 children were in the common areas, Ms. Lopez came outside and yelled at the
26 children, ordering them to go back inside their apartments. The children complied
27 and went back inside.

28 30. In or around the summer of 2017, Ms. Morataya's son was sitting in the

1 common areas when Ms. Lopez ordered him to go back inside his unit. Afterwards,
2 Ms. Morataya asked Ms. Lopez to direct her to the lease provision stating that
3 children are prohibited from the common areas. Ms. Lopez responded that Ms.
4 Morataya “should learn to speak English” and that her supervisor, Monica Cano,
5 would send her a three-day notice to cure or quit specifying the lease violation. Ms.
6 Lopez also told Ms. Morataya that she should take her child to the park instead of
7 allowing him to be in the common areas.

8 31. In approximately June 2017, Ms. Morataya was watching her son from
9 the screen door of her apartment when she heard Ms. Lopez yelling at group of
10 children, including Ms. Barajona's two sons. Ms. Lopez threatened to call the police
11 on the children if they did not go inside. Ms. Morataya immediately went down to Ms.
12 Lopez's unit to speak with her regarding her statement and Ms. Lopez slammed the
13 door.

Defendants Enforced Their Policy Prohibiting Children from Being in the Common Areas Against Plaintiff Blanca Ocampo and Her Children

32. In summer 2010, Ms. Ocampo's then eight-year-old son was regularly reprimanded for being in the common areas and his toys were routinely confiscated on a near daily basis. The onsite manager told Ms. Ocampo that her son was not allowed to play in the common areas.

19 33. In approximately mid-June 2017, Ms. Ocampo's then 12-year-old
20 daughter was outside the apartment speaking with another child who lives at the
21 complex. Ms. Lopez told her that she could not be outside and escorted her back to
22 her apartment.

23 34. In or around August 2018, Ms. Ocampo's then 13-year-old daughter was
24 sitting in the common areas with a neighbor when Ms. Lopez told her to go inside.
25 Ms. Ocampo's daughter went back inside her apartment.

INJURIES

27 35. Plaintiffs have suffered a violation of their civil rights and emotional
28

1 distress, including depression, stress, anxiety, humiliation, mental anguish, and
2 bodily injury such as sleeplessness, loss of appetite, headaches, nausea and muscle
3 twitching.

4 36. In doing the acts of which Plaintiffs complains, Defendants and their
5 agents and employees acted with oppression, fraud and malice, and with wanton and
6 conscious and/or reckless disregard of the rights of Plaintiffs.

7 37. There now exists an actual controversy between the parties regarding
8 Defendants' duties under the federal and state fair housing laws. Unless enjoined,
9 Defendants will continue to engage in the unlawful acts and the pattern or practice of
10 discrimination described above. Plaintiffs have no adequate remedy at law. Plaintiffs
11 are now suffering and will continue to suffer irreparable injury from Defendants' acts
12 and their pattern or practice of discrimination unless relief is provided by this court.

V. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

[Federal Fair Housing Act]

42 U.S.C. § 3601 et seq.

17 38. Plaintiffs reallege and incorporate by reference all the preceding
18 paragraphs in this complaint as if fully set forth herein.

19 39. Defendants injured Plaintiffs in violation of the Fair Housing Act by:
20 a. Discriminating in the terms, conditions, or privileges of the rental of a
21 dwelling because of familial status in violation of 42 U.S.C. § 3604(b).

22 b. Making statements with respect to the rental of a dwelling which
23 indicated a preference, limitation, or discrimination based on familial status in
24 violation of 42 U.S.C. § 3604(c); and

25 c. Interfering in the exercise or enjoyment of, or on account of having
26 exercised or enjoyed, or on account of his having aided or encouraged any other
27 person in the exercise or enjoyment of rights guaranteed by the Fair Housing Act in
28 violation of 42 U.S.C. § 3617.

SECOND CLAIM FOR RELIEF

[California Fair Employment and Housing Act]

Cal Gov't Code § 12927 et seq.

4 40. Plaintiffs reallege and incorporate by reference paragraphs 1 through 37
5 of the complaint as if fully set forth herein.

6 41. Defendants injured Plaintiffs in violation of the California Fair
7 Employment and Housing Act by committing the following discriminatory housing
8 practices:

9 a. Discriminating because of familial status in violation of California
10 Government Code § 12955(a);

11 b. Making, printing, or publishing or causing to be made, printed or
12 published any notice, statement or advertisement that indicates any preference,
13 limitation, or discrimination based on familial status in violation of California
14 Government Code § 12955(c);

15 c. Interfering in the exercise or enjoyment of, or on account of his having
16 exercised or enjoyed, or on account of his having aided or encouraged any other
17 person in the exercise or enjoyment of rights guaranteed by the Fair Employment and
18 Housing Act, in violation of California Government Code § 12955.7.

THIRD CLAIM FOR RELIEF

[California Unruh Civil Rights Act]

Cal. Civ. Code § 51 et seq,

22 42. Plaintiffs reallege and incorporates by reference paragraphs 1 through 37
23 of the complaint herein.

24 43. 20421 Saticoy Street is a business establishment.

25 44. Defendants have violated Plaintiffs right to fair and equal housing under
26 the Unruh Civil Rights Act, California Civil Code § 51 et seq. in that Defendants
27 discriminated against her in the operation of 20421 Saticoy Street, a business
28 establishment, because of familial status.

1 45. Pursuant to the Unruh Civil Rights Act, Plaintiffs are entitled to
2 statutory damages, among other remedies, of up to three times their actual damages
3 asdetermined by the trier of fact.

FOURTH CLAIM FOR RELIEF

5 [Negligence]

6 46. Plaintiffs reallege and incorporates by reference paragraphs 1 through 37
7 of the complaint herein.

8 47. Defendants owe Plaintiffs a duty to operate 20421 Saticoy Street in a
9 manner that was free from unlawful discrimination, and to hire, train, supervise and
10 discipline their employees and each other to fulfill that duty.

11 a. Defendants' negligent failure to train their employees, agents, and each
12 other regarding the requirements of state and federal fair housing laws;

13 b. Defendants' negligent failure to hire persons who were familiar with the
14 requirements of state and federal fair housing laws;

15 c. Defendants' negligent failure to supervise their employees or agents
16 regarding compliance with the requirements of state and federal fair housing laws;

17 d. Defendants' negligent failure to discipline or terminate employees who
18 failed to comply with the requirements of state and federal fair housing laws; and.

19 e. Defendants' negligent failure to operate the subject property in
20 conformity with accepted industry custom and standards

21 48. As a legal result of Defendants' negligent conduct, Plaintiff suffered
22 humiliation, mental anguish, and emotional distress, including stress, anxiety,
23 depression, and bodily injury such as sleeplessness, loss of appetite, headaches,
24 nausea and muscle twitching.

VI. RELIEF

26 Wherefore, Plaintiffs pray for the following relief:

27 1. Permanently enjoin all unlawful practices alleged in this complaint and
28 impose injunctive relief prohibiting Defendants, their partners, agents, employees,

1 assignees, and all persons acting in concert or participating with them, from violating
2 the unlawful practices alleged herein;

3 2. Enter a permanent injunction directing Defendants and their directors,
4 officers, agents, and employees to take all affirmative steps necessary to remedy the
5 effects of the illegal, discriminatory conduct described herein and to prevent similar
6 occurrences in the future;

7 3. The Court declare that Defendants have violated the provisions of
8 applicable federal and state laws;

9 4. The Court award compensatory and punitive damages to Plaintiffs
10 according to proof;

11 5. The Court grant reasonable attorneys' fees and costs of the suit to
12 Plaintiffs; and,

13 6. The Court grant all such other relief as the Court deems just.

VII. JURY DEMAND

15 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs
16 hereby request a jury trial.

17

18 Dated: February 20, 2019

Respectfully Submitted,

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D. SCOTT CHANG
AZADEH HOSSEINIAN
HOUSING RIGHTS CENTER

21

By /s/ D. Scott Chang
D. Scott Chang

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Attorneys for Plaintiffs